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ABSTRACT

Consumerism as a student-oriented approach to postsecondary education is one that rests on two fundamental premises: (1) it is important that students receive fair treatment in their roles as educational consumers; and (2) some current practices in postsecondary education are not adequately responsive to student needs. Consumerism implies a reform-mindedness and, specifically, a need for institutional structures that reflect sensitivity to student rights and needs. Much has already taken place, and some of the broad outlines of consumer reform in postsecondary education already seem to have taken shape. The most visible activity is in the form of governmental action, including legislation establishing a set of "minimum standards" for institutional operations, and the Federal Interagency Committee on Education (FICE), which includes representatives of all federal agencies with responsibilities in the area of education. Whether there will be a great increase in consumerism activity in the private sector is still very much an open question. (Author/KE)

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NATIONAL DEVELOPMENTS AND CONSUMER PROTECTION

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The term consumerism is slowly beginning to gain widespread attention across the postsecondary community, but partly for the wrong reasons. Consumerism seems to serve as a convenient catchwork, easily used because it can carry a variety of different meanings. Thus, we sometimes use the term consumer as a substitute for student, simply meaning the "user" of our services. That's the "buyer's market" imagery to some extent. But we also, at other times, speak of consumers and consumerism in the more activist context of consumer rights and advocacy groups -- of "truth-in-advertising" and "let the buyer beware."

It's useful, perhaps, for me to offer my own definition of the term. The simpler usage wherein the term serves as a fashionable word for student is not sufficient. In order to understand the various events and ideas being discussed nationally under the consumerism rubric, it's necessary to include some component of advocacy, too. Consumerism is a student-oriented approach to postsecondary education, one that rests on two fundamental premises:

First, that it is important that students receive fair treatment in their roles as educational consumers;

and

Second, that some current practices in postsecondary education are not adequately responsive to student needs.

Paper delivered at the Conference on Consumer Protection and Postsecondary Education; co-sponsored by the Department of Higher Education, School of Education, Syracuse University and the Bureau of College Evaluation and the Office of Higher Education Management Services, New York State Education Department. September 23, 1975.

So, to me, consumerism implies a reform-mindedness and, specifically, a need for institutional practices or structures that reflect sensitivity to student rights and needs. Postsecondary education's student population has changed dramatically; the larger societal conditions in which we operate have changed, too. It should not be surprising, therefore, that institutions are being called upon to reexamine and, where necessary, to update their practices regarding students.

My own role here today is not merely to tell you that we're at the beginning of a "significant new venture" in postsecondary education. Significant, yes, but I would hope to impress upon you the view that, nationally, we are not at the beginning on this issue. Much has already taken place, and some of the broad outlines of "consumer reform" in postsecondary education already seem to have taken shape.

The most visible activity is in the form of governmental action. Many states have broadened the mandate of their licensing authority over institutions, often through new legislation establishing a detailed set of "minimum standards" for institutional operations. The U.S. Congress, as best exemplified by the Buckley Amendment, has demonstrated a greater concern for fair treatment of students. The U.S. Office of Education has taken a firm stand on consumerism, partly through a series of speeches given by Commissioner Bell over the last year, but also in the form of new consumer-protection provisions in the regulations governing the terms of institutional participation in the massive Guaranteed Student Loan Program.

You may have heard of these regulations; college presidents have recently been asked to sign an agreement to abide by them if their institutions are to participate in the GSL Program. One provision requires that all institutions have a tuition-refund policy, largely on a pro-rata basis. They also require that each institution provide prospective students, that is applicants, with a "complete and accurate" statement detailing a number of characteristics about the

institution (including descriptions of its current academic or training programs, its faculties and facilities, and information regarding the employment of students enrolled in vocational, trade or career-field courses.)

Some of these are topics on which institutions typically have not provided information to applicants. Others involve topics usually covered in a catalog, but without too much concern for absolute completeness and accuracy. One way or the other, institutions must now comply with these requirements as a condition of any further participation in the Guaranteed Student Loan Program.

Even if you're familiar with these GSL requirements, you may not be aware of similarities in recent Veterans Administration requirements: as a condition of continued institutional participation in veterans benefits, schools offering vocational courses for which a certificate is the mark of course completion must comply with a new requirement that 50 percent or more of their graduates in each occupational program receive job placement in the occupational field for which they were trained. Proprietary schools might soon be covered by other consumer-protection regulations that have been proposed by the Federal Trade Commission.

Have you heard of FICE, the Federal Interagency Committee on Education? If you're interested in issues involving consumer protection, you should know of their efforts. They've been, thus far, among the prime movers in consumerist activity. The committee, as its name implies, includes representatives of all the federal agencies with responsibilities in the area of education, totaling some 30 agencies in all. A subcommittee of this group has prepared a "strategy" report on federal involvement in consumerism that provides much of the groundwork for current federal activity on consumerism. The report argues, for instance, that consumer provisions for tuition refunds and full disclosure should be part of all federal-funding programs. It also recommends establishment of a national

clearinghouse for consumer complaints and encourages all states to adopt pro-consumer legislation to govern state "approval and licensing" of postsecondary institutions. There are a number of other recommendations, too, including one dealing with the confusing overlap between private accreditation, state licensing, and federal eligibility, as well as another recommending development of a tuition-insurance corporation to protect students' financial interests when institutions close or file for bankruptcy. This report, which has been endorsed by all of FICE's sponsoring agencies, has just been published in final form by the committee.¹ You might find it useful reading. Only a few of the report's recommendations have been implemented thus far. It's likely that, in one form or another, several others will be implemented in the months to come.

Whatever the fate of its specific recommendations, the report is useful in itself because it provides valuable insight into the consumerism thinking that has received the most national attention so far. The report emphasizes the need for "full disclosure" of pertinent information about an educational program, sometimes to facilitate intelligent decisions by applicants and at other times to protect students from a number of possible abuses; throughout, the recommendations rely heavily on informational safeguards, apparently assuming that accurate and pertinent information provided before entry into a program will ensure fair treatment or, at the very least, better consumer decisions about whether to enroll in a program.

Informational safeguards thus serve as the major points of strategy for most federal-agency recommendations on consumerism. A similar approach is reflected in most other national-level activity that has thus far taken place on the issue. This is partly because FICE or some federal agency has been a direct or indirect sponsor of most other pro-consumer action. The two national

conferences on consumer protection, while sponsored by the Education Commission of the States, were funded by FICE. So too, the Model State Legislation for State Approval of Postsecondary Institutions is a document developed by the Education Commission of the States with FICE funding. An "informational safeguards" approach is also reflected in the focus of a multi-institution consumerism project of the Fund for the Improvement of Postsecondary Education, entitled "Better Information for Student Choice."

One difficulty I have with such an approach is its heavy dependence on the single device of providing better information to students. Better information should be made available to prospective students, but this is not enough to ensure what I've taken to be the goal of consumerism -- fair treatment throughout the course of an educational program. We also need improved complaint or grievance procedures for students, particularly so that minor problems can be resolved before they become major sources of dissatisfaction. We need greater faculty sensitivity to the interests and needs of the student population of today and to heightened student expectations of them. We need a host of other minor reforms in institutional operations, dealing with all the various aspects of the institution-student relationship that were discussed in the workshops yesterday afternoon.

Because I believe that individual institutional reforms are needed -- band-aid solutions, if you will -- I wish that I could tell you about a wide range of campus responses to consumerism taking place across the country. Maybe I could do so in a few years, but right now the best I can do is mention some examples of institutional efforts to respond to consumerism issues. Campus "hot-lines" with information on where-to-go-with-what-problem have been established on some campuses. College catalogs have been scrutinized carefully on other campuses and some institutions have begun providing career-information

brochures to applicants along with catalog materials. Many campuses, of course, have long had an ombudsman system or other traditional procedures for handling student complaints. Often, instead, complaints have been the responsibility of the student-affairs staff.

One institution has already developed a statement of "faculty obligations" toward students. Several others have begun a thorough reevaluation of course descriptions. Otherwise, I hear individual anecdotes about instances of greater faculty sensitivity to consumerism -- as with the professor who told the class at its first meeting that, while he normally graded students on the basis of the required two term papers, he'd gladly give a final exam to anyone who wanted one.

As yet though, despite a slowly growing number of institutions that are developing a response to the issues, there is no massive, nationwide consumerist effort taking place on the nongovernmental side of postsecondary education. Some institutions, or more appropriately perhaps, some individuals have initiated a variety of campus-level responses. Some education associations, most notably ECS but recently others too, have begun to turn their attention to consumerism. Even so, this conference may be one of the first forums for discussion of the implications of consumerism specifically for the academic program of institutions.

What's next? Where will consumerism be in the next months? One can be sure that there'll be more federal-government activity. The student-aid bill now being discussed by Congress, the O'Hara bill, includes consumer-protection safeguards that are similar to those governing the GSL Program; Representative O'Hara's bill would extend such consumer-protection coverage to all federal student-aid programs. So too, Representative Biaggi, of New York, has recently introduced a bill that would establish a computerized Student Aid Data Bank, designed to provide a quick but comprehensive overview of all aid sources for which a particular student is eligible. The FICE Subcommittee, too, is in the

process of developing recommendations for implementation of its earlier outline of needed reforms.

Whether there will be a great increase in consumerism activity among the private sector is very much an open question. There's a possibility, of course, that the cause of consumerism will get a boost from Title IX. The final regulations for compliance with Title IX call on institutions to adopt and publish grievance procedures to resolve student (and employee) complaints alleging discriminatory treatment on the basis of sex. In some cases, newly established Title IX procedures should provide a precedent or a vehicle for adequate response to the entire range of potential student grievances.

So also, currently available examples of institutional or associational efforts may provide the impetus for much wider institutional response. A great deal of the reform in postsecondary education is based on the initial experiences of a few institutions that, when shared with others through a whole series of conferences and meetings -- including, for instance, the "idea fairs" sponsored by the State Education Department -- become the basis for widespread change in institutional practices. This may be the case with responses to consumerism.

What we need right now is a broad-based debate over the specific components of a response to educational consumer issues. On each campus, a variety of institutional policies and practices need to be reexamined for their appropriateness;² conferences such as this one need to be held in order to facilitate the exchange of ideas and the sharing of information on workable approaches.

And all of these efforts need to be premised on an understanding of the real issues underlying consumerism. Whatever we call it, the issues basically involve fair treatment of students, and the need to have institutional policies

and practices that can provide a fair, honest and facilitative basis for student learning.

For once when facing a new issue, we have a set of terms, in fact the entire consumerism vocabulary, by which to label the larger social change that we are experiencing and to which we need to respond. By whatever name, we are witnessing an increased sensitivity to and concern over a student's educational needs. Lawsuits and federal regulations represent merely the more formal aspects of such concern.

This increased concern undoubtedly has many sources, from the tightened job market and the declining economic value of a college degree to the fears of declining full-time enrollment and the corresponding increases in the "new student" component of our clientele, adult students especially. It's no accident, I would say, that many of the student lawsuits we're noticing recently have been initiated by "older" students, especially women returning to school.

Let me conclude on this note. We now face, in great measure, a quite new set of student needs and interests. They may resemble those of earlier generation of students to some extent, but at the same time, they are sufficiently different that they warrant new policies and practices, a renewed examination of the entire student-institution relationship in light of changing student needs.

Footnotes

¹Federal Interagency Committee on Education, Toward a Federal Strategy for Protection of the Consumer of Education. (Washington, D.C.: U.S. Department of Health, Education and Welfare, Office of the Assistant Secretary for Education, July 1975.)

²For a listing of areas of institutional practice that warrant reexamination see Elaine El-Khawas, "Consumerism as an Emerging Issue for Postsecondary Education," Educational Record, Vol. 56, No. 2, Spring 1975.